

REMARKS

Applicant requests reconsideration of the above-mentioned application in view of the following discussion.

1. Claims 1 - 3 and 7 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Mad-Max in view of Garitano (2003/0017311). Applicant hereby submits a Declaration pursuant to 37 C.F.R. 1.131 overcoming the cited Mad-Max brochure. Attached to and made a part of the Declaration are Applicant's sketches made prior to the effective date of the reference together with photographs of the invention as it was reduced to practice, and facts relating to proof of concept, due diligence, and constructive reduction to practice. It is believed that the basis for rejection using the Mad-Max reference has been overcome and thus the claims thereby rejected are in condition for allowance. Accordingly, claims 1 - 3 and 7 are believed to be in condition for allowance. Withdrawal of the rejection under 35 U.S.C. 103(a) is requested.

2. Claim 4 has been rejected under 35 U.S.C. 103(a) as being unpatentable over Mad-Max in view of Garitano as applied to claims 1 and 2, and further in view of Wean (4,658,697). As discussed in paragraph 1, the applicant has submitted a Declaration pursuant to 37 C.F.R. 1.131 overcoming the cited Mad-Max brochure. Accordingly, claim 4 is believed to be in condition for allowance. Withdrawal of the rejection under 35 U.S.C. 103(a) is requested.

3. Claims 5, 12, 13, 15, 17, 18, 23, 41, 42, 44, 46, 47, and 51 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Mad-Max in view of Garitano as applied to claim 1, and further in view of Dolmetsch (3,750,521). As discussed in paragraph 1, the applicant has submitted a Declaration pursuant to 37 C.F.R. 1.131 overcoming the cited Mad-Max brochure. Accordingly, claims 5, 12, 13, 15, 17, 18, 23, 41, 42, 44, 46, 47, and 51 are believed to be in condition for allowance. Withdrawal of the rejection under 35 U.S.C. 103(a) is requested.

4. Claim 6 has been rejected under 35 U.S.C. 103(a) as being unpatentable over Mad-Max in view of Garitano as applied to claim 1, and further in view of Disera (5,357,837). As discussed in paragraph 1, the applicant has submitted a Declaration pursuant to 37 C.F.R. 1.131 overcoming the cited Mad-Max brochure. Accordingly, claim 6 is believed to be in condition for allowance. Withdrawal of the rejection under 35 U.S.C. 103(a) is requested.

5. Claim 11 has been rejected under 35 U.S.C. 103(a) as being unpatentable over Mad-Max in view of Garitano as applied to claim 7 and further in view of applicant's admission. As

discussed in paragraph 1, the applicant has submitted a Declaration pursuant to 37 C.F.R. 1.131 overcoming the cited Mad-Max brochure. Accordingly, claim 11 is believed to be in condition for allowance. Withdrawal of the rejection under 35 U.S.C. 103(a) is requested.

6. Claims 14, 43, and 50 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Mad-Max in view of Garitano and Dolmetsch as applied to claim 12, 41, and 50 and further in view of Wean. As discussed in paragraph 1, the applicant has submitted a Declaration pursuant to 37 C.F.R. 1.131 overcoming the cited Mad-Max brochure. Accordingly, claims 14, 43, and 50 are believed to be in condition for allowance. Withdrawal of the rejection under 35 U.S.C. 103(a) is requested.

7. Claims 16 and 45 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Mad-Max in view of Garitano and Dolmetsch and further in view of Getzen. As discussed in paragraph 1, the applicant has submitted a Declaration pursuant to 37 C.F.R. 1.131 overcoming the cited Mad-Max brochure. Accordingly, claims 16 and 45 are believed to be in condition for allowance. Withdrawal of the rejection under 35 U.S.C. 103(a) is requested.

8. Claims 21, 24, and 25 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Mad-Max in view of Garitano and Dolmetsch and further in view of Getzen. As discussed in paragraph 1, the applicant has submitted a Declaration pursuant to 37 C.F.R. 1.131 overcoming the cited Mad-Max brochure. Accordingly, claims 21, 24, and 25 are believed to be in condition for allowance. Withdrawal of the rejection under 35 U.S.C. 103(a) is requested.

9. Claim 22 has been rejected under 35 U.S.C. 103(a) as being unpatentable over Mad-Max in view of Garitano and Dolmetsch and further in view of Wean. As discussed in paragraph 1, the applicant has submitted a Declaration pursuant to 37 C.F.R. 1.131 overcoming the cited Mad-Max brochure. Accordingly, claim 22 is believed to be in condition for allowance. Withdrawal of the rejection under 35 U.S.C. 103(a) is requested.

10. Claims 26 and 27 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Mad-Max in view of Garitano and Dolmetsch and further in view of applicant's admission. As discussed in paragraph 1, the applicant has submitted a Declaration pursuant to 37 C.F.R. 1.131 overcoming the cited Mad-Max brochure. Accordingly, claims 26 and 27 are believed to be in condition for allowance. Withdrawal of the rejection under 35 U.S.C. 103(a) is requested.

11. Claims 28 and 29 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Mad-Max in view of Garitano, Dolmetsch and Getzen. As discussed in paragraph 1, the

applicant has submitted a Declaration pursuant to 37 C.F.R. 1.131 overcoming the cited Mad-Max brochure. Accordingly, claims 28 and 29 are believed to be in condition for allowance. Withdrawal of the rejection under 35 U.S.C. 103(a) is requested.

12. Claim 30 has been rejected under 35 U.S.C. 103(a) as being unpatentable over Mad-Max in view of Garitano, Dolmetsch and Getzen and further in view of Wean. As discussed in paragraph 1, the applicant has submitted a Declaration pursuant to 37 C.F.R. 1.131 overcoming the cited Mad-Max brochure. Accordingly, claim 30 is believed to be in condition for allowance. Withdrawal of the rejection under 35 U.S.C. 103(a) is requested.

13. Claims 35, 36, 38, and 39 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Mad-Max in view of Garitano, Dolmetsch and Getzen. As discussed in paragraph 1, the applicant has submitted a Declaration pursuant to 37 C.F.R. 1.131 overcoming the cited Mad-Max brochure. Accordingly, claims 35, 36, 38, and 39 are believed to be in condition for allowance. Withdrawal of the rejection under 35 U.S.C. 103(a) is requested.

14. Claim 37 has been rejected under 35 U.S.C. 103(a) as being unpatentable over Mad-Max in view of Garitano, Dolmetsch and further in view of Disera. As discussed in paragraph 1, the applicant has submitted a Declaration pursuant to 37 C.F.R. 1.131 overcoming the cited Mad-Max brochure. Accordingly, claim 37 is believed to be in condition for allowance. Withdrawal of the rejection under 35 U.S.C. 103(a) is requested.

15. Claim 40 has been rejected under 35 U.S.C. 103(a) as being unpatentable over Mad-Max in view of Garitano, Dolmetsch and Getzen and further in view of Wean. As discussed in paragraph 1, the applicant has submitted a Declaration pursuant to 37 C.F.R. 1.131 overcoming the cited Mad-Max brochure. Accordingly, claim 40 is believed to be in condition for allowance. Withdrawal of the rejection under 35 U.S.C. 103(a) is requested.

16. Claims 52 and 53 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Mad-Max in view of Garitano and Dolmetsch and further in view of the applicant's admission. As discussed in paragraph 1, the applicant has submitted a Declaration pursuant to 37 C.F.R. 1.131 overcoming the cited Mad-Max brochure. Accordingly, claims 52 and 53 are believed to be in condition for allowance. Withdrawal of the rejection under 35 U.S.C. 103(a) is requested.

17. Claims 54, 55, and 57 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Mad-Max in view of Garitano and Disera. As discussed in paragraph 1, the applicant has submitted a Declaration pursuant to 37 C.F.R. 1.131 overcoming the cited Mad-Max

brochure. Accordingly, claims 54, 55, and 57 are believed to be in condition for allowance. Withdrawal of the rejection under 35 U.S.C. 103(a) is requested.

18. Claim 56 has been rejected under 35 U.S.C 103(a) as being unpatentable over Mad-Max in view of Garitano and Disera and further in view of Wean. As discussed in paragraph 1, the applicant has submitted a Declaration pursuant to 37 C.F.R. 1.131 overcoming the cited Mad-Max brochure. Accordingly, claim 56 is believed to be in condition for allowance. Withdrawal of the rejection under 35 U.S.C. 103(a) is requested.

19. Claims 58, 59, 61 and 62 have been rejected under 35 U.S.C 103(a) as being unpatentable over Mad-Max in view of Disera. As discussed in paragraph 1, the applicant has submitted a Declaration pursuant to 37 C.F.R. 1.131 overcoming the cited Mad-Max brochure. Accordingly, claims 58, 59, 61, and 62 are believed to be in condition for allowance. Withdrawal of the rejection under 35 U.S.C. 103(a) is requested.

20. Claim 60 has been rejected under 35 U.S.C 103(a) as being unpatentable over Mad-Max in view of Disera and further in view of Wean. As discussed in paragraph 1, the applicant has submitted a Declaration pursuant to 37 C.F.R. 1.131 overcoming the cited Mad-Max brochure. Accordingly, claim 60 is believed to be in condition for allowance. Withdrawal of the rejection under 35 U.S.C. 103(a) is requested.

21. Claims 8, 9, 10, 19, 20, 48 and 49 have been objected to as being dependent upon a rejected base claim, but are indicated to be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Claims 8, 19, and 48 have been rewritten according to the examiner's suggestion. Accordingly, claims 8, 19, and 48, as amended are believed to be in condition for allowance. Claims 9, 10, 20, and 49 depend from independent claims believed to be in condition for allowance, and as such are also believed to be in condition for allowance. Withdrawal of the objection is requested.

22. Allowance of claims 31 - 34, inclusive is noted and appreciated.

Applicant respectfully requests that the objections and rejections be removed, that amended claims 8, 19, and 48, along with claims 1 - 7, inclusive, 9 - 18, inclusive, 20 - 47, inclusive, and 49 - 62, inclusive be passed to allowance.

Respectfully Submitted,

By 
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SUPERIOR SOLUTIONS/535.19011/051027 AMENDMENT A

Enclosures: Amendment Transmittal Letter
 Declaration Under CFR 1.131
 Exhibits
 Return Postcard